

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MINDY WRIGHT, *et al.*,

Plaintiffs,

v.

PETE BUTTIGIEG,

Defendant.

Case No. C21-1025-MLP

ORDER TO SHOW CAUSE

On August 2, 2021, Plaintiffs filed their complaint in this matter. (Dkt. # 1.) A summons was issued to Defendant on August 25, 2021. (Dkt. # 3.) Since that time, there has been no further activity on the docket.

Federal Rule of Civil Procedure 4(m) provides that the Court—on motion or on its own after notice to Plaintiff—must dismiss an action without prejudice against a Defendant, or order that service be made within a specified time, if the Defendant is not served within 90 days after the Complaint is filed. However, if Plaintiff shows good cause for the failure, the Court must extend the time for service for an appropriate period. *See* Fed. R. Civ. P. 4(m); *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007) (“District courts have broad discretion to extend time for service under Rule 4(m).”). In deciding whether to exercise that discretion, the Court may

1 consider factors such as a statute of limitations bar, prejudice to the defendant, actual notice of a
2 lawsuit, and eventual service. *Efaw*, 473 F.3d at 1041 (citing *Troxell v. Fedders of N. Am., Inc.*,
3 160 F.3d 381, 383 (7th Cir. 1998)).

4 Accordingly, Plaintiff is ORDERED to show cause by **November 16, 2021**, why the
5 Complaint in this matter should not be dismissed for failure to timely serve. Failure to show
6 cause shall be deemed a failure to timely serve pursuant to Federal Rule of Civil Procedure 4(m),
7 and the Court will dismiss Plaintiff's complaint without prejudice.

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9 Dated this 2nd day of November, 2021.

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12 MICHELLE L. PETERSON
13 United States Magistrate Judge
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